

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-against- :

DOMINICK P. CAROLLO, :
STEVEN E. GOLDBERG, and :
PETER S. GRIMM, :

Defendants. :

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UNITED STATES OF AMERICA :

-against- :

PETER GHAVAMI, GARY HEINZ, :
and MICHAEL WELTY, :

Defendants. :

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UNITED STATES OF AMERICA :

-against- :

RUBIN/CHAMBERS, DUNHILL :
INSURANCE SERVICES, INC., :
DAVID RUBIN, ZEVI WOLMARK, :
and EVAN ANDREW ZAREFSKY, :

Defendants. :

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No. 10 Cr. 654 (HB)

No. 10 Cr. 1217 (KMW)

No. 09 Cr. 1058 (VM)

ORDER

VICTOR MARRERO, United States District Judge:

On December 2, 2011, the Court, in conjunction with the Honorable Harold Baer Jr. and the Honorable Kimba M. Wood, held an oral argument regarding identical motions filed in each of the above-captioned matters. The motions before the Court are the Government's application for an order to disclose to defendants in each of the above-captioned matters portions of

consensual recordings that contain Brady material that is potentially privileged and a motion for a protective order and evidentiary hearing submitted by third parties Investment Management Advisory Group, Inc., David Eckhart, and Martin Stallone (the "IMAGE Parties"). Prior to December 2, 2011, the Court received written submissions as to these motions from counsel for the Government (the "Filter Team"), the IMAGE Parties, defendants in each of the above-captioned matters, and an additional third party, whose identity has been disclosed under seal and is represented by the firm Brune & Richard, LLP (the "Brune & Richard Party"). Each of these parties also presented their positions at the oral argument.

During oral argument, the Court determined that an evidentiary hearing was appropriate to further develop the factual record as to the management of confidential informants and any potential related intrusion into any privilege during the government investigation related to the three above-captioned prosecutions. Therefore, Judge Baer orally ordered that such hearing take place on December 20, 2011.

Accordingly, it is hereby ORDERED:

1. That the hearing shall take place on December 20, 2011 at 11:30 a.m. in courtroom 23B; and it is further ORDERED

2. That the Filter Team shall meet and confer with defendants in each of the above-captioned matters, the IMAGE


Parties and the Brune & Richard Party, and all parties shall endeavor to the greatest extent practicable to reach agreement on any outstanding issues and to narrow the scope of disputed issues before the Court; and it is further ORDERED

3. That the parties shall discuss, and to the greatest extent possible concur upon, the following aspects of the hearing: (a) the legal questions to be presented; (b) the factual disputes at issue; (c) the format of the hearing and order of any presentations or testimony; (d) a list of witnesses who will testify; and (e) a list of documentary evidence that will be presented; and it is further ORDERED

4. That, by December 16, 2011, the parties shall jointly submit a letter, no more than five pages in length, which presents the parties' agreement as to each of the aspects outlined above. In the absence of an agreement as to a particular point, the parties shall set forth their respective positions as to the disputed point. This joint letter shall be submitted to the chambers of each judge presiding over the above-captioned matters.

SO ORDERED.

Dated: New York, New York
December 7, 2011



Victor Marrero
United States District Judge